

CALIFORNIA COASTAL COMMISSION

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Filed: 03/12/04
 180th day: 09/08/04
 Staff: SC
 Staff report prepared: 03/25/04
 Hearing date: 04/15/04

COASTAL DEVELOPMENT PERMIT APPLICATION

Application number3-04-014, “Double Shot” Ride

Applicant.....Santa Cruz Seaside Company, Attn: Carl Henn, Director of Maintenance and Development

Project locationSanta Cruz Beach Boardwalk, 400 Beach St., Santa Cruz (Santa Cruz County)

Project description.....Install 125 foot-tall “Double Shot” amusement park ride at west end of Boardwalk; construct a 24-foot x 32-foot concrete enclosure below the Boardwalk to house the compressors that operate the ride.

Local approval.....City Council 2/10/04.

File documents.....Mitigated Negative Declaration adopted 2/10/04.

Staff recommendation ...Approval

Summary: The proposed project consists of installation of the new “Double Shot” ride at the west end of the Santa Cruz Beach Boardwalk. The proposed ride, which is 125 feet tall, launches up to 12 passengers skyward through two sequences of up-and-down motion. The tower portion of the ride is 7 feet, 6 inches wide. The marquis at the top of the tower is 11 feet wide. The ride would occupy an area on the Boardwalk of 28 x 28 feet, for a total of 784 square feet. A 24 x 32 foot concrete foundation room below the Boardwalk will be constructed to accommodate the air compressor, air dryer, and the main power distribution center needed to operate the ride.

The proposed “Double Shot” ride will not impact the existing public access at the Boardwalk or the Main Beach. In addition, the “Double Shot” ride will be compatible with the character of the surrounding developed Boardwalk area and will not significantly impact or block scenic resources. Furthermore, the proposed project will be developed consistent with the water quality protection requirements of the certified Beach Management Plan. Finally, the City conditioned the project to reduce potential collisions between migratory birds and the “Double Shot” tower. Staff recommends approval as submitted.



California Coastal Commission
April 2004 Meeting in Santa Barbara

Staff: S. Craig Approved by:

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I. Staff Recommendation on CDP Application

The staff recommends that the Commission, after public hearing, **approve** a coastal development permit for the proposed development subject to the standard conditions below.

Motion. I move that the Commission approve Coastal Development Permit Number 3-04-014 pursuant to the staff recommendation.

Staff Recommendation of Approval. Staff recommends a **YES** vote. Passage of this motion will result in approval of the coastal development permit as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

Resolution to Approve a Coastal Development Permit. The Commission hereby approves the coastal development permit on the grounds that the development will be in conformity with the policies of Chapter 3 of the Coastal Act. Approval of the coastal development permit complies with the California Environmental Quality Act because either: (1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects



of the amended development on the environment; or (2) there are no feasible mitigation measures or alternatives that would substantially lessen any significant adverse effects of the amended development on the environment.

II. Standard Conditions

1. **Notice of Receipt and Acknowledgment.** The permit is not valid and development shall not commence until a copy of the permit, signed by the Permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. **Expiration.** If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. **Interpretation.** Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
4. **Assignment.** The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. **Terms and Conditions Run with the Land.** These terms and conditions shall be perpetual, and it is the intention of the Commission and the Permittee to bind all future owners and possessors of the subject property to the terms and conditions.

III. Recommended Findings and Declarations

The Commission finds and declares as follows:

A. Project Location & Description

The Santa Cruz Beach Boardwalk (Boardwalk) is a 12-acre commercial recreational facility located on the Main Beach in the City of Santa Cruz (see Exhibit 1). The Boardwalk is the last remaining amusement park along the Pacific Coast of the United States, and was designated a California State Historic Landmark in 1989. The Boardwalk contains various amusement rides for a total of about 1,140 seats, as well as approximately 170,000 square feet of shops, restaurants, concessions, conference facilities, and administrative offices. Two of its rides, the carousel and the Giant Dipper roller coaster, have been declared National Historic Landmarks.



The proposed project consists of installation of a new “Double Shot” ride to replace the existing “Red Baron Airplane” ride at the west end of the Boardwalk (see Exhibit 2 for proposed ride location and Exhibit 3 for project plans). The proposed ride, which is 125 feet tall, launches up to 12 passengers skyward through two sequences of up-and-down motion. The tower portion of the ride is 7 feet, 6 inches wide. The marquis at the top of the tower is 11 feet wide. The ride will be painted white and will not display any signage on it. The ride will not be illuminated in the evenings when the ride is not in use and the ride will not include red-spectrum lights, which may attract birds. The ride would occupy an area on the Boardwalk of 28 x 28 feet, for a total of 784 square feet. A 24 x 32 foot concrete foundation room below the Boardwalk will be constructed to accommodate the air compressor, air dryer, and the main power distribution center needed to operate the ride. This will involve temporary removal of a portion of the Boardwalk’s existing wooden seawall and the excavation of approximately 227 yards of sand from underneath the Boardwalk, which will be placed as a berm to protect the project from high tides until the exterior walls of the new room are built. During the foundation stage of the project, de-watering of the area will be accomplished by digging 4 or 5 temporary small wells in the sand around the project area. One or two 2-inch pumps will be placed in each well as needed to pump water away from the project. Due to the possibility of seawater intrusion in the completed concrete room, a sump pit below the floor will be installed to remove seawater. The sump pit will include a gravel pad and a perforated pipe to direct seawater into the existing outflow system that is currently in place in the Boardwalk’s basement areas. The seawater will be pumped to the San Lorenzo River through the existing pipe system. During a large storm, a bypass valve will be used to pump the seawater directly back to the ocean. Once the foundation/compressor room is completed, the excavated sand will be used to backfill the area. Any remaining sand will be spread over the beach, after being sifted with a Clarrington Beach Cleaner. The wooden seawall will be replaced and the “Double Shot” ride will be installed on the Boardwalk per the ride manufacturer’s specifications. The ride tower will be the only portion of the project visible to the public.

The Santa Cruz City Council suggested, but did not require in its conditions on the project, the placement of a flagpole and an American flag atop the “Double Shot” ride. A flagpole with an American flag is located nearby on the dome of the Boardwalk’s casino. The proposed project does not include placement of a flagpole atop the proposed “Double Shot” ride.

A fair amount of written public communication was received regarding the proposed project. Please see Exhibit 4 for comments received in favor of the proposed project and Exhibit 5 for comments received opposed to the proposed project.

B. Standard of Review

Although the City of Santa Cruz has a certified LCP, the proposed “Double Shot” ride is located within the California Coastal Commission’s Original Jurisdiction, an area in which the Commission retains coastal permitting authority. Thus, the certified LCP is advisory only and the standard of review for the project is the Coastal Act.



C. Coastal Development Permit Determination

1. Public Access and Recreation

Coastal Act Section 30604(c) requires that every coastal development permit issued for any development between the nearest public road and the sea “shall include a specific finding that the development is in conformity with the public access and public recreation policies of [Coastal Act] Chapter 3.” The proposed project is located seaward of the first through public road. Coastal Act Sections 30210 through 30213, as well as Sections 30220 and 30221, specifically protect public access and recreation. In particular:

***Section 30210:** In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.*

***Section 30211:** Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.*

***Section 30212(a):** Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects...*

***Section 30213:** Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred. ...*

***Section 30220:** Coastal areas suited for water-oriented recreational activities that cannot readily be provided at inland water areas shall be protected for such uses.*

***Section 30221:** Oceanfront land suitable for recreational use shall be protected for recreational use and development unless present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for in the area.*

The Boardwalk is located on a portion of the Main Beach in the City of Santa Cruz. There is no admission fee to access the Boardwalk. In addition, a number of public stairwells lead from the Boardwalk to the Main Beach and the ocean. The proposed “Double Shot” ride will replace an existing ride at the Boardwalk. The proposed ride will not impact the existing public access at the Boardwalk or the Main Beach. For these reasons, the new “Double Shot” ride project, as proposed, is consistent with the public access and recreation policies of the Coastal Act.

2. Visual Impacts



Coastal Act Section 30251 protects scenic and visual resources and states, in applicable part:

30251. The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas...

LCP Community Development Policy 2.2 states:

Preserve important public views and viewsheds by ensuring that the scale, bulk, and setback of new development does not impede or disrupt them.

LCP Land Use Policy 1.6 states:

Minimize, when practical, obstruction of important views and viewsheds by new development. In the Coastal Zone, development shall be sited and designed to and along the ocean and in scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and to restore visual quality in visually degraded areas.

The proposed ride will be located within the existing developed Boardwalk area. The Boardwalk and other visitor-serving development along Beach Street dominate the visual character of the surrounding urbanized area. The Boardwalk is a mixture of classic amusement park rides such as the Giant Dipper roller coaster, the carousel, and more modern rides. The existing development on the Boardwalk is generally one to three stories in height; the Giant Dipper, however, is approximately 70 feet in height, while the flagpole on the casino building is approximately 127 feet high. The proposed “Double Shot” ride is 7 feet 6 inches in width (except for the marquis at the top, which is 11 feet wide) and 125 feet in height. (Although it is not the standard of review in this case, the City’s LCP allows for height limitations in the Beach Commercial district to be exceeded for “mechanical contrivances for amusement purposes....”) Please see Exhibit 6 for visual simulations of the “Double Shot” ride from a variety of locations.

Although the ride will be taller than any immediately adjacent development, the ride’s predominantly narrow width of 7 feet 6 inches and its open work design means it will not significantly impact views or block scenic resources from a variety of views, as shown in Exhibit 6. The proposed ride will fit in with the existing developed nature of the Boardwalk, which includes an assortment of amusement park rides of various heights, shapes, and sizes. In addition, the City conditioned its approval (see Exhibit 7, pg. 2) to require that the ride be painted white and that the ride not display any signage. Thus, the proposed “Double Shot” ride will be compatible with the character of the surrounding Boardwalk area and will not significantly impact or block scenic resources. Therefore, the proposed project is consistent with Coastal Act Section 30251 regarding protection of visual resources.

3. Water Quality



Section 30231 of the Coastal Act provides for protection of water quality and states:

***30231.** The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.*

The proposed project will require the use of heavy machinery on the beach, including an excavator for digging underneath the Boardwalk to construct the compressor room, a small “Bobcat” for close work, and a loader for building the berm and moving sand. Concrete will be pumped from a street side location to construct the compressor room. One or two cranes on the beach will be required to install the ride tower. In addition, the proposed project includes installation of a sump pit, including a gravel pad and a perforated pipe to direct seawater into the existing outflow system that is currently in place in the Boardwalk’s basement areas. The seawater will be pumped to the San Lorenzo River through the existing pipe system.

The Applicant’s project description includes adequate procedures to prevent uncured concrete from entering coastal waters. In addition, the City of Santa Cruz has a certified Beach Management Plan (BMP) that provides direction to public agencies and private property owners, such as the Seaside Company, in the regulation, use, and operations on the Main Beach in a manner that protects natural resources, provides for public safety, and enhances the extent and quality of the recreational experience of the residents and visitors to the City of Santa Cruz (see Exhibit 8 for relevant sections of the Beach Management Plan). The Applicant’s project description includes a statement that the methods of installation/construction of the “Double Shot” ride will comply with the allowable activities specified in the BMP. Specifically, the BMP allows for the periodic use of mechanized equipment for construction and/or installation purposes, such as the removal and installation of new rides at the Boardwalk. The BMP also allows the Seaside Company to use cranes, loaders, tractors, and sand sifters on the beach. Mechanized equipment is not allowed to operate below the mean high tide line (the project is located well above the mean high tide line). In addition, mechanized equipment may not be stored on the beach. Finally, the BMP allows for the use of sumps and drainage pumps to discharge ocean water from below the Boardwalk to the San Lorenzo River. The proposed project complies with the requirements of the certified Beach Management Plan, which provides for protection of water quality. Therefore, the proposed project is consistent with Coastal Act Section 30231 regarding protection of water quality.

4. Other Issues

The proposed project is located within the developed Boardwalk amusement park and is not located within or adjacent to areas of endangered species or sensitive habitats as identified in the City’s LCP. The proposed “Double Shot” ride is located approximately 1,500 feet west of the San Lorenzo River mouth. Therefore, the proposed ride is not located in an area that constitutes environmentally sensitive



habitat. However, during the local approval process, concerns arose regarding about the potential of migratory birds colliding with the proposed “Double Shot” tower. The City’s response to these concerns is discussed below.

The Santa Cruz Beach Boardwalk is located adjacent to the Monterey Bay, which is a migratory bird corridor. Because the proposed “Double Shot” tower is relatively tall, concerns regarding possible bird collisions with the proposed “Double Shot” tower were raised. The Initial Study for the project found that the most susceptible species of birds to collisions with tall structures are neotropical migratory songbirds, which are comprised of approximately 350 different species. These are species that breed in North America in the spring and summer and migrate to the southern United States, the Caribbean, or Latin America during the fall and winter. These species generally migrate at night, following the coastline using landforms and stars to assist in navigation. The greatest number of collisions appears to be occurring on lit towers or structures during foggy, misty, low-cloud ceiling conditions.

Lights on structures appear to be a key component contributing to the hazard of a structure. On nights of inclement and overcast weather when songbirds are actively migrating, lights seem to draw birds into the lit structures. Research data indicate that red-colored lights may pose a greater hazard than other colored lights. Accordingly, the City conditioned the project to forbid red-spectrum lights on the structure and to require that the ride not be illuminated in the evenings when the ride is not in use (see Exhibit 7, pg. 2 for City’s conditions of approval). In addition, the City conditioned the project to require that the Applicant work with local birders to establish a program allowing monitoring of the ride at daybreak to gain a better understanding of how towers may affect migratory birds. Furthermore, the Boardwalk is generally open in the evenings only during the late spring and summer months, and thus the ride would only be lit in the evenings during times when the birds are not migrating. This fact, as well as the conditions placed on the project by the City, should provide adequate protection for migrating birds.

5. California Environmental Quality Act (CEQA)

Section 13096 of the California Code of Regulations requires that a specific finding be made in conjunction with coastal development permit applications showing the application to be consistent with any applicable requirements of CEQA. Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.

The Coastal Commission’s review and analysis of land use proposals has been certified by the Secretary of Resources as being the functional equivalent of environmental review under CEQA. This staff report has discussed the relevant coastal resource issues with the proposal, and has recommended approval as proposed.

